

Board of Zoning Appeals

October 10, 2024

Members present: Phil Rooney, Chairman; Scott Brecheisen; Brody Yingling; and Alex Treece.

Mr. Rooney called the meeting to order at 6:00 p.m. and the general rules were reviewed.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-28-2024-65316

Address: 708 Londonderry Drive

Zone: Large Lot Residential, R-1

Filed Melanie Delgado, regarding a variance from section 1161.03(B)(2) of the City of Findlay Zoning Ordinance for a new fence at 708 Londonderry Drive. The applicant has constructed a new privacy fence that is 8.2-feet in height. This section allows for a fence to be a maximum of 8-feet in height.

The contractor that the owner hired constructed the fence two inches over the allowable height of 8-feet. Rather than having the contractor return to the site to fix the mistake, which could have possibly damaged the fence, the owner is seeking the variance to leave it as is.

The city does not oppose the minimal request.

Ms. Melanie Delgado, 708 Londonderry Drive, was sworn in. She stated they hired a contractor to build a privacy fence for them at 8-feet high; however, when Mr. Adkins came out to measure it, it was 8-feet 2-inches. She stated it was a headache working with the contractor in the first place, and to have him come back out and try to trim it down, will probably damage the fence that they paid thousands of dollars for, so she decided to seek the variance to allow the height to stay at 8-feet 2-inches.

Mr. Rooney asked Mr. Adkins if there were any communications on this case?

Mr. Adkins stated there were no communications on this case.

Mr. Brecheisen made a motion to approve the requested variance.

Mr. Adkins stated this will just involve an updating of the current permit.

Mr. Yingling seconded the motion.

Motion to approve the requested variance, 4-0.

Mr. Rooney stated these next three (3) cases will be read together but voted on separately.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-25-2024-65313, BZA-26-2024-65314, and BZA-27-2024-65315

Address: 600 Fox Run Road

Zone: Multi-Family, High Density, M-2

Filed by 600 Fox Run Road, LLC, regarding a variance from section 1126.06(A) of the City of Findlay Zoning Ordinance for a new addition at 600 Fox Run Road. The applicant is proposing to build a new addition with 35 new units that will be 206 square feet per living unit. This section requires a minimum of 500 square feet per living unit.

600 Fox Run Road, LLC, is also requesting a variance from section 1126.05(A) of the City of Findlay Zoning Ordinance for a new addition at 600 Fox Run Road. The applicant is proposing to build a new addition with 35 new units that will bring the total number of units to 108 living units, which makes the minimum per lot size to 2,021 square feet of frontage per living unit. This section requires a minimum of 3,500 square feet of frontage per living unit.

600 Fox Run Road, LLC, is also requesting a variance from section 1126.05(C) of the City of Findlay Zoning Ordinance for a new addition at 600 Fox Run Road. The applicant is proposing to build a new addition with 35 new living units that will cover 43-percent of the lot with impervious surface. This section allows for 40-percent of the lot to be covered with impervious surface.

This property has been repurchased by the original owner and they are proposing to build an addition to add an additional 35 units to the property. This case will be heard at City Planning Commission prior to the Board of Zoning Appeals meeting.

The first request of living area per unit lines up with what is already existing through the facility. Each unit in the facility is currently 206 square feet. The request is in harmony with the other living units.

The second request is for the required lot size for the proposed number of units. The current number of units already exceeds the required frontage, adding more units will exceed that amount even more. In order to allow for the number of units proposed, the owner must have approximately 8 acres, and they only own approximately 5 acres.

The final request is asking for relief from the 40-percent maximum lot coverage requirement. Once the addition is complete, the coverage will end up being 43-percent. This request is not substantial, and similar request have been made and granted in the past for apartment complex.

Hancock Regional Planning was in favor of these request, and if the City Planning Commission approves the site plan, then the City will be for the request as well.

Mr. Adkins stated this was heard at City Planning this morning and they added a few conditions to their approval.

Mr. Rooney asked if any of the conditions are related to any of these requests?

Mr. Adkins stated it was for landscaping, swales...

Mr. Rooney asked if they will have enough parking for all of these or if that will be a variance request?

Mr. Adkins stated the parking for assisted living is a lot less than for apartments.

Mr. Kyle Purdy, 1110 Hurd Avenue, was sworn in. He stated they will be running out of room and will be at full capacity with the rooms they currently have. Instead of double bunking in the current rooms, they want to add an addition. They will not go past the 132 - maximum capacity, which they have authorization from the Health Department and the Department of Aging. They plan on adding parking at the front of the building.

Mr. Rooney asked if that is on Fox Run Road?

Mr. Todd Jenkins, of Peterman Associates, was sworn in. He stated they are eliminating 40 parking spaces where the addition is going, to keep the impervious area as close to what is allowed, as possible. Sixteen spaces will be added along the existing drive. Since this is assisted living, most of the people that live there do not drive. There are no kitchens in any of the units. They have a sink, microwave, and mini-fridge.

Mr. Rooney asked how many people they are authorized to have?

Mr. Purdy stated 133.

Mr. Jenkins stated there is only 73 units in there now.

Mr. Robert Ruse, was sworn in. He stated our code has two crucial points for a variance, undo hardship and unique circumstance that apply to the property. He asked what the undo hardship is? He stated they exist today so why add on more units? The code says 500 square feet, not 200, so why grant a variance? What is the hardship? He stated it does not seem justified up against the R1 properties. He stated the density does not make sense for the property and adding to it does not make sense. This is their concern.

Mr. Ben Franz, 3 Hunter's Gate Drive, was sworn in. He stated the parking is a concern in regards to the congestion along Fox Run Road. The parking that is going to be added, along with the condos next door, has a potential of becoming a very congested area with higher density.

Mr. Rooney asked Mr. Adkins if there were any communications on this case?

Mr. Adkins stated there were two (2) communications on this case, both against the variances. One was from a neighbor in Hunter's Gate and one in that vicinity, but not in the immediate area. (The communication emails were read into record and are attached to the meeting minutes).

Mr. Todd Jenkins responded to the population density mentioned in one of the letters. He stated they are approved through the Board of Health to have 132 residents in there. This addition is to expand and make things more comfortable in there. This is not a multi-family use, it is an assisted living. They are looking at 108 units. This is looking at not increasing the population density, it is simply increasing the building footprint to better accommodate and make better conditions for the residents that will be living in there. This is not an apartment use, it is an assisted living and is not impactful to the community in the sense of traffic.

Mr. Purdy spoke about the traffic being transportation bus for residents, staff, supply and trash trucks, etc. He stated 99% of residents do not drive and get very little family members coming to visit.

Mr. Treece, Mr. Brecheisen, Mr. Yingling and Mr. Purdy had conversation in regards to the addition matching the existing building, the location of the trash dumpsters, and about being an AOA Facility, population and double bunking residents. Communications continued about the past owners, the new owners and population.

A lady from the audience (inaudible) spoke. She stated it was a nursing home, assisted living facility, then it went bankrupt. What if this goes bankrupt also? She stated the concern is turning this into a market rate apartment complex.

Mr. Rooney informed her that would be very difficult to do, based on the amount of parking and the size of the units.

Mr. Rooney stated he does not think this is a huge impact. What is the hardship? He stated he thinks the hardship would be on the people that would have to bunk with someone else. This could impact 108 people and only slightly impact a few property owners.

Mr. Brecheisen agreed with Mr. Jenkins... (inaudible).

Mr. Rooney stated, although he understands the concern of turning this into something else, he does not think this should be a concern.

Mr. Adkins explained the difficulty to change it to apartments without a variance.

Case BZA-27-2024-65315: (lot coverage with impervious surface will be 43% instead of the 40% max allowed).

Mr. Brecheisen made a motion to approve the requested variance on the condition the required permits are picked up within 60 days.

Mr. Treece seconded the motion.

Motion to approve the requested variance on the condition the required permits are picked up within 60 days, 4-0.

Case BZA-25-2024-65313: (new addition with 35 new units that will be 206 sq. ft. per living unit instead of the required 500 sq. ft. per living unit).

Mr. Brecheisen made a motion to approve the requested variance on the condition the required permits are picked up within 60 days.

Mr. Yingling seconded the motion.

Motion to approve the requested variance on the condition the required permits are picked up within 60 days, 4-0.

Case BZA-26-2024-65314: (2021 sq. ft. of frontage per living unit instead of the required minimum 3,500 sq. ft. of frontage per living unit).

Mr. Rooney made a motion to approve the requested variance on the condition the required permits are picked up within 60 days.

Mr. Brecheisen seconded the motion.

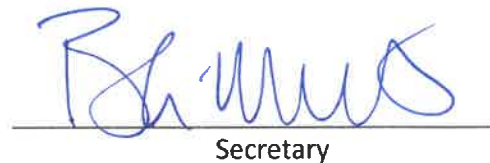
Motion to approve the requested variance on the condition the required permits are picked up within 60 days, 4-0.

The September 12, 2024 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary

Erik Adkins

From: denise raszka <sanden51@msn.com>
Sent: Thursday, October 3, 2024 1:00 PM
To: Erik Adkins
Subject: [EXTERNAL]Woodlands Senior living

Security Checkpoint: External Email! Do not click on links or open attachments unless you trust the source and know the content is safe.

Dear Eric-

We live at 4 Hunters Gate and our backyard will directly be impacted by the variances that are being requested by Woodlands. We feel that the Woodlands property is not large enough to accommodate the building, enlarged retention pond, parking area, fencing and green areas. We request this variance be denied without exception. It is our understanding that codes protect from overpopulation, flooding, neighborhood disruptions, excessive foot and auto traffic etc.

Approval of this variance will be a disservice to our neighborhood and the surrounding community. We also feel this will affect our home property value.

Thank you for your consideration.

Dennis & Sandra Raszka
Sent from my iPhone

Erik Adkins

From: Marla Frederick <marlahassink@gmail.com>
Sent: Thursday, October 10, 2024 7:52 AM
To: Erik Adkins
Subject: [EXTERNAL]

Security Checkpoint: External Email! Do not click on links or open attachments unless you trust the source and know the content is safe.

Hello,

I am writing to you as a resident living in the Fox Run neighborhood. I understand expansion of the nearby group living facility is planned. I have several concerns and would like to submit them to you for your review and consideration.

1) Does the current expansion leave space for an adequate amount of parking? Will residents or their visitors be allowed to park on Fox Run Road? As you know Fox Run Road is a common route for many students and walkers/runners/cyclists. Parked cars would likely pose a danger. Additionally, if the use of the facility ever were to change designation (assisted living vs senior living vs traditional apartment), would there be adequate parking for this? A reduction in parking with an expansion of the building does not seem reasonable.

* Currently, I understand The Woodlands has 73 living units and 82 parking spots. The proposal, I believe, is to have 126 living units and 55 parking spots. Is it not accurate that each unit must have two parking spaces as well as one space per five living units for visitors? For 126 units this would be 252 resident spaces + 25 guest spaces = 272 spaces required. For existing conditions (73 units) there should have been 160 spaces.

2) It does not seem that any other business facilities in our neighborhood are two stories in height. It is unfortunate to see a two story structure being built directly adjacent to so many private homes. This building style does not fit with the current tone and design of our neighborhood. While I understand that a nursing home is a "home" for its residents, it is also a large building that operates in the style of a business and brings with it greater associated traffic, deliveries, and daily ongoing. Other businesses in our neighborhood (realty office, medical offices, and daycare) are one story buildings. Two stories is too much.

3) What type of fence is being planned between the facility and the rear property line of Hunters Gate 4, 5, and 6? What material will be used to construct it and how high will it be?

4) Please allow me to make you aware that the current facility is in a state of disrepair as it pertains to the exterior appearance.

5) My neighbors who reside at 4 Hunters Gate Drive feel the current proposal map shows the new facility and its associated barriers and landscaping to actually overlap their private property.

6) Can you please clarify what portion of the facility is used for senior living and assisted living? Could this be interchangeable? If the facility decides to rent to regular renters (not seniors), is this currently permitted? If the facility was ever closed or sold, would it be permitted for units to rent to regular renters? Specifically, what allowable use is this facility approved for? Returning to point 1) - I feel that adequate parking, as deemed by code, should be in existence for all of the allowable/designated uses. Otherwise, if the facility changes from one use to another use (ex. assisted living converted to senior living) or (senior living converted to traditional apartments), there will not be adequate parking.

While I understand the Woodland's wish to expand, I simply cannot support a proposal that will increase living units and decrease parking for the main reasons of safety and the inevitable problem that people may begin to park on Fox Run Road. **This area of the community has already reached maximum population density as noted in the first city planning meeting a few weeks ago.** Furthermore, the facility's wish to create living units which are less than the recommended square footage per current code is concerning.

Sincerely,

Dr. Marla D. Frederick
1 Hunters Gate Drive
Findlay, Ohio
45840